

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

Case No. 2005-00471

In the Matter of:

Application of Louisville Gas and Electric  
Company and Kentucky Utilities Company  
to Transfer Functional Control of Their  
Transmission System

**Reply re Motion For Full Intervention of  
Midwest Independent Transmission System Operator, Inc.**

Midwest Independent Transmission System Operator, Inc. ("Midwest ISO"), having moved pursuant to 807 KAR 5:001, Section 3(8) for full intervention in the above-captioned case hereby replies to the Response of Kentucky Utilities Company ("KU") and Louisville Gas and Electric Company ("LG&E") in opposition to the Midwest ISO's motion:

1. The Midwest ISO has an evident interest in a proceeding to consider LG&E's and KU's application for authority to transfer functional control of their facilities from the Midwest ISO. The proposed transfer will have a direct effect on the Midwest ISO's existing functional control, not the hypothetical or attenuated effect that might be hoped-for by a potential or ex-provider of services.
2. This case is undeniably related to Commission Case No. 2003-00266, in which the Midwest ISO was granted full intervention. LG&E and KU apparently consider the two proceedings to be so related that its Response in this case includes a request for a final order in Case No. 2003-00266 by December 31, 2005. No request to that effect has been filed in the other case.
3. The Midwest ISO has no objection to limiting this case, and all the parties thereto, to addressing topics not already addressed in Case No. 2003-00266.

Incorporating the record from that case into the record of this proceeding would be an efficient means to avoid duplication of the efforts made by the Commission, its staff, and the parties in Case No. 2003-00266. It would be unfair, however, to allow LG&E and KU to place matters from the earlier proceeding at issue but prohibit others from being heard on such issues.

WHEREFORE, Midwest ISO requests an Order of the Commission granting it full intervention, as a party of record with right to service of all documents filed in the course of these proceedings.

Respectfully submitted,

Katherine K. Yunker  
Katherine S. Sanford  
YUNKER & ASSOCIATES  
P.O. Box 21784  
Lexington, KY 40522-1784  
859-266-0415  
fax: 859-266-3012

Stephen G. Kozey  
MIDWEST INDEPENDENT TRANSMISSION  
SYSTEM OPERATOR, INC.  
701 City Center Drive  
Carmel, IN 46032  
317-249-5431  
fax: 317-249-5910

Stephen L. Teichler  
DUANE MORRIS, LLP  
1667 K. Street N.W., Suite 700  
Washington, DC 20006-1608  
202-776-7830  
fax: 202-776-7801

BY: Kathleen K. Yunker  
by: Jason A. G. [Signature]  
ATTORNEYS FOR MIDWEST INDEPENDENT  
TRANSMISSION SYSTEM OPERATOR, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this the 13th day of December, 2005, the original and ten (10) copies of this Reply were hand-delivered for filing with the Commission, and a copy was sent by first-class U.S. mail to:

Kent W. Blake  
Director of State Regulation and Rates  
LG&E ENERGY LLC  
220 West Main Street  
Louisville, KY 40202

Elizabeth L. Cocanougher  
Senior Corporate Attorney  
E.ON U.S.  
220 West Main Street  
Louisville, KY 40202

Michael L. Kurtz  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, OH 45202

Kendrick R. Riggs  
William Duncan Crosby III  
Sarah K. M. Adams  
OGDEN NEWELL & WELCH PLLC  
1700 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202

Kathleen U. Yunker  
by: Jason A. G. [Signature]  
Attorney for Midwest Independent  
Transmission System Operator, Inc.